



SDMS Document ID



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Judy Martz, Governor

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July 22, 2004

**CERTIFIED MAIL**

#70031010000092773479

Mr. Matthew Hollingsworth  
Ameritech  
P.O. Box 907  
Libby, MT 59923

**Re: Asbestos Complaint Related to Demolition and Renovation of Buildings in Libby, MT**

Dear Mr. Hollingsworth:

On February 20, 2004, the Asbestos Control Program (ACP) of the Department of Environmental Quality (department) received an anonymous complaint concerning demolition and renovation activities potentially occurring in the following buildings in Libby, Montana:

1. Eagles Lodge at 119 Mineral Avenue,
2. 614 and 614 ½ Dakota Avenue,
3. 121 East 1<sup>st</sup> Street,
4. 110 and 110 ½ Montana Avenue,
5. 412 Main Street and,
6. Buildings at 1002, 1004, 1006, and 1008 Dakota Avenue

On May 18, 2004, I visited the above listed buildings. I did not enter the buildings; however, I walked around the buildings and documented their conditions in a limited fashion. Some of the buildings, such as 614 Dakota Avenue, were posted by the City of Libby, "Do Not Enter, Unsafe To Occupy." Others were posted, "Do Not Trespass." Since I was not able to and did not access the buildings, I was not able to fully document demolition or renovation activities potentially ongoing at the buildings. I noted that some of the buildings were in disrepair. In addition, I noted buildings of 1002 - 1008 Dakota Avenue were being re-roofed. Some interior drywall work was apparent in 1004 Dakota Avenue. The front door porch awning of 412 Main Street had been taken off. The assumed asbestos siding on 614 Dakota Avenue was damaged in certain locations.

On May 19, 2004, I met with you and your father, Ron Hollingsworth, about the complaint. You informed me that you, or your business, Ameritech, owns the above-mentioned buildings and has plans to demolish or renovate them. You mentioned you have drywalled over some ceilings and walls in 1004-1008 Dakota Avenue. You said you did not remove the existing drywall in those buildings. You also mentioned you removed wood roof shakes and re-roofed 1002-1008 Dakota Avenue. You said you did not live in any of the buildings. We discussed asbestos regulations

Mr. Hollingsworth  
July 22, 2004  
Page 2

that govern the demolition and renovation of buildings. We also discussed asbestos inspection requirements and asbestos abatement issues.

In an effort to summarize our meeting, the following information discusses the requirements of asbestos inspection, asbestos abatement project permitting, asbestos accreditation, and asbestos abatement work practices. According to Administrative Rules of Montana (ARM) 17.74.335(9), the department hereby adopts and incorporates by reference 40 Code of Federal Regulations (CFR) Part 61, Subpart M, 1993 edition. 40 CFR 61.145 states: "to determine which requirements of paragraph (a), (b) and (c) of this section apply to the owner or operator of a demolition or renovation activity and prior to the commencement of the demolition or renovation, thoroughly inspect the affected facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos..." The department requires this inspection to be performed by an inspector accredited by the department. Furthermore, 40 CFR Part 61, Subpart M, section 61.145(b), requires building owners, or contractors, to provide written notice of intention to demolish buildings. I have enclosed a copy of the Application For A Montana Asbestos Abatement Project Permit An NESHAP Demolition/Renovation Notification for your use if any of the buildings are demolished.

According to the ARM 17.74.302 (3), an asbestos abatement project "means the encapsulation, enclosure, removal, repair, renovation, placement in new construction, demolition of friable or potentially friable asbestos-containing material in a building or other structure, or the transportation or disposal of friable or potentially friable asbestos-containing material. The term does not include a project that involves less than 3 square feet in surface area or 3 linear feet of thermal system insulation." If the asbestos inspection finds asbestos-containing materials, asbestos abatement may be necessary. The Application For A Montana Asbestos Abatement Project Permit An NESHAP Demolition/Renovation Notification also serves as an application for an asbestos abatement project permit. I have enclosed a list of asbestos companies who can assist you with asbestos inspection, abatement, and laboratory services.

According to paragraph (1) of ARM 17.74.314, Requirements Of Accreditation And Permitting For Persons Engaged In An Asbestos-Type Occupation, after January 1, 1990, a person may not: (a) engage in an asbestos-type occupation unless accredited in that occupation by the department pursuant to ARM 17.74.315, and, (b) conduct an asbestos abatement project without a permit from the department as required in ARM 17.74.335, or violate the conditions of the permit.

According to paragraph (3) of ARM 17.74.335 Asbestos Abatement Project Permits, All asbestos abatement projects shall be performed in accordance with 29 CFR 1926.58, (Occupational Safety and Health Administration) including all appendices, and with 40 CFR 763 parts 120 and 121, and 40 CFR Part 61, subpart M, National Emission Standards for Hazardous Air Pollutants (NESHAP). (Please note, 29 CFR 1926.1101 is now reserved. Its replacement regulation is 29 CFR 1926.1101, which has not been adopted or incorporated by reference by the department). I enclosed a copy of 29 CFR 1926.1101 for your reference.

During our meeting, you indicated an interest in becoming a Montana-accredited asbestos inspector. I have enclosed a copy of a list of Montana-approved asbestos training course

Mr. Hollingsworth  
July 22, 2004  
Page 3

providers from which you can enroll in an initial asbestos inspector course. I also enclosed a copy of the asbestos accreditation application if you decide to apply for accreditation.

During my Libby visit, I met with Ms. Courtney Zamora of the VOLPE Center. She informed me that vermiculite was found in the following buildings: 412 Main, 614 & 614-1/2 Dakota, and 1002, 1004, & 1006 Dakota. I am not sure if the vermiculite has been tested for asbestos; however, the department views vermiculite as being a suspect asbestos-containing/contaminated material and should be handled in accordance with asbestos regulations unless it is thoroughly inspected, tested, and documented to contain no asbestos.

It is the department's policy to contact building owners and contractors to provide the information necessary to ensure one's awareness of the rules. By providing this information, the department can assist building owners and contractors, who conduct renovations and demolitions, in complying with the Administrative Rules of Montana. Based on my visits of the above-mentioned buildings and speaking with you, the department has not found Ameritech to be non-compliant with its asbestos regulations, and has decided to close the complaint. Nonetheless, if you, or Ameritech, initiate demolition or renovation activities, comply with asbestos regulations. Please note that the documentation will remain in your file.

If you have any questions, require additional compliance assistance, or if you have information that would refute the complaint, please contact me at (406) 444-2690.

Sincerely,



John Podolinsky  
Air Quality Specialist  
Asbestos Control Program  
Waste & Underground Tank Management Bureau

Enclosures: ARM Chapter 74, subchapters pertaining to asbestos; 40 CFR Part 61, subpart M (NESHAP); 29 CFR 1926.1101, OSHA asbestos regulations for construction; List of asbestos training course providers; List of asbestos companies; Accreditation application; Application For A Montana Asbestos Abatement Project Permit And NESHAP Demolition/Renovation Notification

cc: Kevin Kirley, DEQ Remediation Division  
Chad Anderson, DEQ Enforcement Division  
Jim Christiansen, EPA Information Center, 501 Mineral Avenue, Libby, MT 59923  
Courtney Zamora, VOLPE Center, 501 Mineral Avenue, Libby, MT 59923  
John Norberg, City of Libby, City Building Inspector, P.O. Box 1428, Libby, MT 59923  
Ron Anderson, Lincoln County Sanitarian, 418 Mineral Avenue, Libby, MT 59923

INSPECTED

● 5/14/2004

## Hollingsworth Property Summaries

The following inspections were conducted at each of the following properties:

Attic spaces were checked for primary and secondary structures.

Wall spaces were checked if applicable.

Crawl spaces and basements were inspected if such existed.

Exterior yard and specific use areas were inspected for vermiculite.

**614 Dakota Ave.** No VCI or outdoor vermiculite observed

**614 ½ Dakota Ave.** VCI in the attic and leaking into the walls

**110 Montana Ave.** No VCI or outdoor vermiculite observed

**110 ½ Montana Ave.** No VCI or outdoor vermiculite observed

**121 E. 1<sup>st</sup> St.** No VCI or outdoor vermiculite observed

**412 Main Ave.** VCI observed in the attic of the house beneath cotton/cellulose insulation. No insulation in the shed. A gross quantity of VCI was observed packed around a PVC drain pipe at the NW corner of the house.

**1002, 1004 and 1006 Dakota Ave.** These addresses are all in the same building. No VCI was observed in the attic spaces. No vermiculite was observed outdoors. There are approx. 10 boxes and bags, plus 1 very large box of VCI in the NW corner room of the basement that are broken and spilling VCI out all over the floor. There is also unexpanded vermiculite on the concrete floor of the basement at the bottom of the steps.

**1217 ½ Dakota Ave.** Mr. Hollingsworth says he is not going to deal with this building.

036

9723

40%

90%

80%

100%

